IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 22190 of 1995

Between:

Manthena Narayana Raju, S/o Venkatapathi Raju,
Chinabandirevu Village, Dummugudem Mandalam,
Khammam District.

..... PETITIONER

AND

1 The District Collector,
Khammam, Khammam District.
2 The Revenue Divisional Officer,
Bhadrachalam, Khammam District.
3 The Mandal Revenue Officer,
Dummugudem Mandalam, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of writ of mandamus directing the respondents not to interfere with the petitioner's possession in respect of the land admeasuring H.2.06 A in S.No. 40/1 situate at Chinabandirevu Village, Dummugudem Mandalam, Khammam District.

Counsel for the Petitioner: MR.K.MANIKYALA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court made the following order:

This writ petition is filed by the petitioner to direct the respondents not to interfere with his possession in respect of the land admeasuring H.2.06 A in S.No. 40/1 situate at Chinabandirevu Village, Dummugudem Mandalam, Khammam District.

It is the case of the petitioner that as per G.O.Ms.No.41 dated 12-1-1971 and as per Board Standing Order 15, a landless poor person should not be evicted from the land in his occupation up to the extent of Acres 5.00 in case of dry land or 2½ Acres in case of wet land and that as the petitioner is a landless poor person, he should not be evicted from the above said land.

Respondents have filed a counter-affidavit stating that the petitioner has failed to prove his title and possession from 1945 to 01-7-1971 which is required under Regulation 2/70 and that the petitioner has also failed to prove his possession from 1960 to 12-1-1971 as contemplated in G.O.Ms.No.41, dated 12-1-1971. It is stated at paragraph 7 of the counter-affidavit that it is not true to say that the petitioner is landless poor Sivaijamadar, as he has not mentioned his other patta landed particulars.

Having regard to the facts and circumstances of the case, without going into the merits of the case, it would suffice, if a direction is issued to the respondents not to dispossess the petitioner from the above said lands without following due process of law, if he is still in possession.

The writ petition is accordingly disposed of. No costs.

28-10-2004

lvl

To

1 The District Collector,
Khammam, Khammam District.
2 The Revenue Divisional Officer,
Bhadrachalam, Khammam District.
3 The Mandal Revenue Officer,
Dummugudem Mandalam, Khammam District.

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